

MINUTES

Meeting: Kent County Board of Zoning Appeals
 Date: April 18, 2022
 Time: 5:00 P.M.
 Location: County Commissioners Hearing Room, 400 High Street, Chestertown, Maryland

Agenda Item	Sitting for the Board	Action Taken	Vote
<p>#22-09 25809a Still Pond Neck, LLC – Special Exception</p> <p>The applicant is requesting a special exception for a utility-scale solar energy system in the Agricultural Zoning District (AZD) on an 85-acre farm owned by Raymond and Joyce Stoltzfus. The property is located at 26001 Still Pond Neck Road in the Third Election District and is on the southwest corner of the intersection of Still Pond Neck Road and Still Pond Road. The proposed 1 MW array of panels will encompass approximately 5 acres on the northwestern corner of the property, and the entrance will be from Still Pond Neck Road. The surrounding area is predominantly farmland and woodland.</p> <p>The Kent County Planning Commission has issued a favorable recommendation to the Board of Appeals in regard to this application.</p> <p><u>Applicant/Representative</u> Anthony Kupermish, Esq. with McCallister, Detar, Showalter and Walker, appeared on behalf of the applicant.</p> <p>Mr. Kupersmith was sworn in and presented a summary of his case.</p> <p>Cory McCandless and Bruce Wilson with SGC Power were sworn in on behalf of the applicant.</p> <p>Ted Hastings with Becker Morgan Group was sworn in on behalf of the applicant.</p>	<p>Dr. Albert Townshend, Chairman</p> <p>Joan Horsey, Member</p> <p>John Massey, Member</p> <p>David Hill, Alternate Member (observing)</p> <p>Mr. Christopher Drummond, Attorney for the Board</p> <p>Michael Pelletier, Clerk</p>	<p>Mr. Massey moved to deny the application on the ground that the proposed “area of use” exceeded five acres; therefore, the application did not meet the requirements of Section 7.57.25(j).</p> <p>The motion to deny was seconded by Ms. Horsey; the motion passed with all in favor.</p> <p>The Applicant’s Representatives provided testimony and evidence in support of the application.</p> <p>Mr. Kupersmith introduced Applicant’s Exhibit 1 “MHT Project Review Form” and Applicant’s Exhibit 2 “DNR Environmental Review” to be incorporated into the record.</p> <p>Mr. Kupersmith provided a closing argument in support of the testimony before the Board.</p>	<p>Unanimous Denial of Application</p>

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<p><u>Public Comment</u></p> <p>Bob Payne from Still Pond and Andy Simmons from Still Pond were sworn in.</p> <p><u>Planning Staff</u> William Mackey, Director and Mark Carper, Associate Planner, were sworn in.</p> <p>No correspondence was received on this application.</p>		<p>Mr. Payne and Mr. Simmons testified in opposition to the application insofar as the aesthetics of the agricultural landscape would be affected and approval of the application would take prime farmland out of the AZD.</p> <p>Mr. Carper presented the staff report. At the end of the meeting, Mr. Mackey explained the staff's interpretation of the "area of use."</p>	
<p>The Board went into closed session at 5:55 pm to obtain legal advice from the Board's attorney. The Board adjourned the closed session and reconvened the hearing at 6:25 pm.</p>		<p>Mr. Massey moved to go into closed session and Ms. Horsey seconded the motion; the motion passed with all in favor.</p> <p>The Board was provided legal advice in interpreting two provisions of the land use article pertaining to utility scale solar.</p>	<p>Unanimous approval</p> <p>No vote</p>
<p>MINUTES: January 10, 2022</p>		<p>Ms. Horsey moved to approve the minutes. Mr. Massey seconded the motion; the motion passed with all in favor.</p>	<p>Approved</p>
<p>Adjourn</p>		<p>Mr. Massey made a motion to adjourn the meeting, and Ms. Horsey seconded the motion; the motion passed with all in favor. The meeting adjourned at 7:25 p.m.</p>	<p>Unanimous Approval</p>

/s/ Dr. Albert Townshend
Dr. Albert Townshend, Chairman

/s/ Michael Pelletier
Michael Pelletier, Clerk